

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Waste Management  
of Alameda County, Inc.  
172 98th Avenue  
Oakland, California 94603

EPA ID No. CAD 982347098

Respondent.

Docket HWCA 20040604

CONSENT ORDER

Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control (Department) and Waste Management of Alameda County, Inc. (Respondent) enter into this Consent Order and agree as follows:

1. The Department alleges that Respondent transported non-RCRA hazardous waste during the period October 31, 2000 and July 28, 2004.
2. The Department inspected the Respondent on July 8, 2004.
3. The Department alleges the following violations:

The Respondent violated Health and Safety Code 25163 (a) (1), California Code of Regulations, title 22, section 66263.17 (a) in that between August 14, 2001 and January 8, 2004, Respondent transported non-RCRA hazardous waste on 16 different occasions without a registration certificate from the Department. Respondent transported hazardous waste from Richmond, California to Kettleman City, California as shown by manifests numbers 20405527 shipped Aug. 14, 2001 and arrived Aug. 16, 2001; 21299633 shipped Nov. 06, 2001 and arrived Nov. 08, 2001; 21299662 shipped Dec. 04, 2001 and arrived Dec. 06, 2001; 21299740

shipped Jan. 22, 2002 and arrived Jan. 24, 2002; 21299773 shipped Feb. 26, 2002 and arrived Feb. 28, 2002; 21299846 shipped Mar. 26, 2002 and arrived Mar. 28, 2002; 21299942 shipped May 14, 2002 and arrived May 16, 2002; 21940558 shipped July 16, 2002 and arrived July 18, 2002; 21940667 shipped Sept. 9, 2002 and arrived Sept. 12, 2002; 21940727 shipped Nov. 19, 2002 and arrived Nov. 21, 2002; 21940767 shipped Jan. 7, 2003 and arrived Jan. 9, 2003; 22656858 shipped Mar. 4, 2003 and arrived Mar. 6, 2003; 22656980 shipped May 6, 2003 and arrived May 8, 2003; 22657074 shipped July 29, 2003 and arrived July 31, 2003; 22657185 shipped Oct. 14, 2003 and arrived Oct. 16, 2003; 22811296 shipped Jan 6, 2004 and arrived Jan 8, 2004. Respondent's hazardous waste transporter registration expired on October 31, 2000 and did not get renewed until July 28, 2004.

4. A dispute exists regarding the alleged violations.
5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.
6. Jurisdiction exists pursuant to Health and Safety Code section 25187.
7. Respondent waives any right to a hearing in this matter.
8. This Consent Order shall constitute full and final settlement of the violations alleged above, or which could have been asserted by the Department based on the facts alleged above, against the Respondent, its officers, directors, shareholders, employees, representatives, agents, and its parent and affiliated corporations, but does not limit the Department from taking appropriate enforcement action concerning other violations. Without limiting the foregoing provisions, the parties agree that this Consent Order is intended to settle any and

all alleged violations relating to the transportation of non-RCRA hazardous waste without a current hazardous waste transporter registration between October 31, 2000 and July 28, 2004.

#### SCHEDULE FOR COMPLIANCE

9. The violations have been corrected. Respondents applied for and received a hazardous waste transporter registration on July 28, 2004.

#### PAYMENTS

10. Within 30 days after receipt of a fully executed copy of this Consent Order, Respondent shall pay the Department a total of \$4,000 (four thousand dollars) of which \$2,000 (two thousand dollars) is a penalty and \$ 2,000 (two thousand dollars) is reimbursement of the Department's costs. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Patricia Barni  
Statewide Compliance Division  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 95182-0806

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code

section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### OTHER PROVISIONS

11.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

11.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

11.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

11.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

11.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: 8/1/05

(Original Signed by James Devlin)

James Devlin  
Vice President  
Waste Management of  
Alameda County, Inc.

Dated: 8/1/05

(Original Signed by Patricia Barni)

Patricia Barni  
Northern California Branch  
Statewide Compliance Division  
Department of Toxic Substances Control